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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/837,962

04/17/2001

Philip Ginzboorg

796.389USW1

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12/28/2004

SQUIRE, SANDERS & DEMPSEY L.L.P.

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TYSONS CORNER, VA 22182

EXAMINER

AL AUBAIDI, RASHA S

ART UNIT

PAPER NUMBER

2642

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/837,962

Applicant(s)

GINZBOORG ET AL.

Examiner

Rasha S AL-Aubaidi

Art Unit

2642

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 November 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

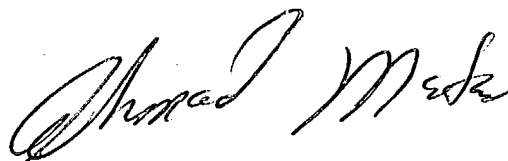
Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Examiner
Rasha S. Al-Aubaidi
703-605-5145

Applicant argument have been fully considered and have been found not persuasive. Applicants argues that Joyce failed to teach or suggest "receiving information about service-specific payments in the control means from the customer terminal during delivery of the service". The claimed limitation as recited in claims 1, 19-20, and 23 as previously presented on the amendment filed 06/23/2004 basically reads on the billing inquiry that is offered to the subscriber (see col. 9, lines 60-65). Also, as previously addressed by the examiner this limitation can read on the subscriber requesting to hear account information balance (see col. 13, lines 8-12). Applicant argues that Joyce failed to teach or suggest that "service-specific payments information is provided during the delivery of the service". As understood by examiner, applicant is reading the "service" as the call as stated by applicant on page 5, line 20. The claimed "service is too broad that can simply read on making multiple calls, after 1 call, receive the balance and then make another call. This definitely reads on providing specific payments information during the delivery of the service/call as claimed by the applicant. On page 6, lines 13-14 of the new remarks filed on 29/11/2004, applicant argues that "nothing in Joyce teaches or suggests the billing module or rating engine...etc". As the examiner stated in the previous office action, Joyce disclosed a billing module that has a rating engine to determine the value of each transaction, see col. 9, lines 5-25. Joyce also teach that the system provides the customer with his/her own billing system (may read on making a payment at any time you choose, see col. 9, lines 22-24). Thus, having a billing module and allowing the subscriber of Joyce to receive information about service-specific payments will definitely overcome applicant's argument regarding this limitation.

All other arguments are already addressed in the previous office action dated 10/04/2002.



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